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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/083,053

02/26/2002

Wilfrid LeBlanc

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EXAMINER

TRAN, PHUC H

ART UNIT

PAPER NUMBER

2668

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,053

Applicant(s)

LEBLANC, WILFRID

Examiner

PHUC H. TRAN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9,15,20 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 2-8,10-14,16-19 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 23 is objected to because of the following informalities: “facilitates” in line 2 should rewrite as “facilitates”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 9, 15, 20, and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruhn (U.S. Patent No. 6452941 B1).

- With respect to claim 1, Bruhn teaches a data rate controller system for providing control instructions to a plurality of channels on corresponding channel devices operating on a network (e.g. the communications system supports multiple source coding channel coding schemes), the system comprising:

at least one channel providing statistical information about the associated channel signal (e.g. col. 1, lines 53-56); at least one coder provided for running at a certain data rate on each channel device (44 and 46 in Fig. 3a); and a central controller for interacting with the plurality of channels, wherein statistical information about each channel signal is used by the central

controller to determine the type of coder that should be run on each channel device (48 in Fig. 3a), with the central controller sending a control instruction to each channel to facilitate implementation of the coder (e.g. Fig. 3 shows channel coder select).

- With respect to claim 9, Bruhn also teaches wherein the statistical information includes at least jitter estimation (col. 8, lines 27-33).

- With respect to claim 15, Bruhn teaches wherein the statistical information includes at least call discriminator events and system resource utilization (e.g. information of data and voice).

- With respect to claims 20, and 25-26, Bruhn teaches a data rate controller system for providing control instructions to a plurality of channels on corresponding channel devices operating on a network (e.g. the communications system supports multiple source coding channel coding schemes), the system comprising:

 - at least one channel with means for detecting background noise conditions, and means for providing channel resource utilization and associated network utilization information for each channel (col. 10, lines 6-11);

 - at least one coder provided for running at a certain data rate on each channel device (44 and 46 in Fig. 3a); and a central controller for interacting with the plurality of channels, wherein the noise conditions and the resource and network utilization information, from each channel, are used by the central controller to determine the type of coder that should be run on each channel device (48 in Fig. 3a), with the central controller sending a control instruction to each channel to facilitate implementation of the coder (e.g. Fig. 3 shows channel coder select).

- With respect to claim 27, Bruhn teaches wherein each channel switches to a selected coder in an autonomous manner from other channels (e.g. the selection channel coder is designed in Fig. 3).

Allowable Subject Matter

4. Claims 2-8, 10-14, 16-19, 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dent et al. (U.S. Patent No. 6044485) discloses transmitter method and transmission system using adaptive coding based on channel characteristics.
- Hsu et al. (U.S. Patent No. 6985497) discloses method and apparatus for network transmission capacity enhancement for the telephone circuit switched network.
- Haoui et al. (U.S. Patent No. 5742640) discloses method and apparatus to improve PSTN access to wireless subscribers using a low bit rate system.

Art Unit: 2616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO S. SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
2/20/06

DANG TON
PRIMARY EXAMINER